

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 11569 of 2004

Between:

Chilakalapudi Nagur Meera Saheb S/o Satyam Fair Price Shop
Dealer, R/o Tatipaka, Razole (M), East Godavari District
..... PETITIONER

AND

- 1 The District Manager, A.P. State Civil Supplies Corp., East Godavari District at Kakinada
- 2 The Revenue Divisional Officer, Amalapuram, East Godavari District
- 3 The Mandal Revenue Officer, Razole (M) East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the respondents in not passing orders pursuant to show cause notice vide Ref/H/4149/2003, Dt. 26-02-2004 issued by the 2nd respondent; in not delivering the charge of Fair Price Shop Dealer, Shop No.8 of Tatipaka Village, Razole Mandal, East Godavari District to the petitioner and also non-repayment of DD of Rs. 24,738/- inspite of his repeated representations is illegal, irregular arbitrary and violative of the Art: 14 19 21 and 300-A of the Constitution of India and also the Provisions of AP State Public Distribution System Control Order 2001 and consequently direct the respondents to re-deliver the charge for the said fair Price shop to him; drop further action in the matter pursuant to such show cause notice and repay the said amount to the petitioner in the interest of justice.

For the Petitioner:MR.SATYANARAYANA NIMMAGADDA

,Advocate.

For the Respondent No.: GP FOR CIVIL SUPPLIES

The Court Made the Following :

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction on the part of the 2nd respondent in passing orders in pursuance of the show cause notice dated 26.02.2004, even though the petitioner has submitted his explanation. It is also the grievance of the petitioner that though the petitioner's authorization is neither suspended nor cancelled, the essential commodities are not being released in his favor for the supply and distribution to the cardholders. Therefore, the petitioner sought for appropriate orders.

2. Heard the learned counsel for the petitioner and the learned Government Pleader and considered the material on record.

3. The grievance of the petitioner is that no orders are passed in pursuance of the show cause notice dated 26.2.2004, and further, even though the authorization of the petitioner is subsisting, the non-supply of essential commodities to the petitioner for distribution to the cardholders, is illegal. In fact, it is the case of the petitioner that a demand draft for a sum of Rs.24,738/- was deposited with the 1st respondent for the release of the essential commodities for the month of November 2003, but, however, on the ground that there was a delay in submission of the said demand draft, the stocks were not released in favour of the petitioner and the demand draft was also not returned to the petitioner. Therefore, the petitioner sought for appropriate orders.

4. In view of the above stated facts, the writ petition is disposed of with a direction to the 2nd respondent to pass appropriate orders in pursuance of the show cause notice dated 26.2.2004. Pending

passing of the orders, the respondents are directed to supply the essential commodities to the petitioner, as his authorization is continuing, for distribution of the same to the cardholders. If the petitioner has already deposited the amount by way of demand draft for Rs.24,738/-, the same may be adjusted for the supplies of the essential commodities that are going to be made.

5. The writ petition is accordingly disposed of at the admission stage itself.

S.Ananda Reddy, J.

Note:

Issue copy by

Monday, i.e., 12.07.2004.

(b/o) Jsu/kvh

To

1 The District Manager, A.P. State Civil Supplies Corp., East Godavari District at Kakinada

2 The Revenue Divisional Officer, Amalapuram, East Godavari District

3 The Mandal Revenue Officer, Razole (M) East Godavari District

4..2CCs to The Government Pleader for Civil Supplies, High Court Buildings, Hyderabad.

2.2CD copies

HON'BLE MR. JUSTICE S. ANANDA REDDY

W.P.NO. 11569 OF 2004

ORAL ORDER

08...07...2004